

GENERAL ORDINANCE NO. 9-12

AN ORDINANCE
AMENDING CHAPTER 13,
GREEN BAY MUNICIPAL CODE,
CREATING A SOLAR ENERGY SYSTEM
(TA 12-01)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

Authority/Purpose. This ordinance is adopted pursuant to authority granted by Wis. Stat. §62.23(7) and §66.0401 with the purpose to:

- a. Oversee the permitting of solar energy systems.
- b. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of solar energy systems, per Wis. Stat. §66.0401.
- c. Neighboring property owners shall be considerate of a property owner's right to install a solar energy system and shall not obscure the views of such systems.

SECTION 1. Section 13-300, Green Bay Municipal Code is amended by adding the following definitions:

Grid-intertie Solar System - A photovoltaic solar system that is connected to an electric circuit served by an electric utility company

Off-grid Solar System - A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company

Photovoltaic System - An active solar energy system that converts solar energy directly into electricity or another energy form

Solar Energy - Active radiant energy (direct, diffuse, and reflected) received from the sun

SECTION 2. Section 13-614, Table 6-3, Green Bay Municipal Code, is amended as follows:

Table 6-3. Permitted Nonresidential Accessory Uses in the Residential Districts

Use	RR	R1, R2	R3	Dev.Stds.
Uses Accessory to Nonresidential Uses				
Antennas, satellite dishes, and similar equipment	P	P	P	X
Parking (surface)	P	P	P	
Parking (structured)		C	P	X
Signs, as regulated by Chapter 13-2000, Signs.	P	P	P	

Use	RR	R1, R2	R3	Dev.Stds.
Small Wind Energy System	C	C	C	X
Solar Energy Systems	P	C	P	X
Telecommunication facilities	C	C	C	X
Waste and recycling storage	P	P	P	X

Note: P = Permitted Use; C = Conditional Use

SECTION 3. Section 13-714, Table 7-3, Green Bay Municipal Code, is amended as follows:

Table 7-3. Permitted Accessory Uses in the Mixed-Use Districts

Use	OR	NC	D	Dev.Stds.
Uses Accessory to Dwellings				
Antennas, satellite dishes, and similar equipment as regulated by Chapter 13-1600	P	P	P	
Boarding or renting of rooms to not more than two (2) persons	P	P	P	
Fences	P	P	P	X
Gardening and other horticultural uses	P	P	-	
Home-based occupations (Amd. GO 36-02)	P	P	P	X
Private garages, carports, and parking spaces	P	P	P	
Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	P	C	
Small Wind Energy System	C	C	-	X
Solar Energy Systems	C	C	P	X
Tool houses, sheds, and similar buildings	P	P	P	-
Outdoor kennel or exercise run	P	P	-	X
Uses Accessory to Nonresidential Uses				
Antennas, satellite dishes and similar equipment	P	P	P	X
Carwash (automatic) when accessory to an auto service station in compliance with Chapter 13-1600.	-	C	C	X
Music (outdoor live or amplified music)	-	-	C	X
Off-street loading docks	C	P	P	X
Outdoor display of vehicles			C	X
Outdoor commercial recreation	-	C	C	X
Outdoor sales, display, and storage	see Section 13-705			X
Parking (surface)	P	P	P	
Parking (structured)		C	P	X
Parking and storage of vehicles licensed to a business	P	P	P	X
Signs, as regulated by Chapter 13-2000	P	P	P	
Small Wind Energy Systems	C	C	C	X

Use	OR	NC	D	Dev.Stds.
Solar Energy Systems	C	C	P	X
Telecommunication facilities	C	C	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within principal building, not exceeding 25% of total floor area	-	P	P	X
Waste and recycling storage	P	P	P	X

SECTION 4. Section 13-800, Table 8-3, Green Bay Municipal Code, is amended as follows:

Table 8-3. Permitted Accessory Uses in the Commercial Districts

Use	C1	C2	C3	Dev.Stds.
Uses Accessory to Dwellings				
Antennas, satellite dishes, and similar equipment as regulated by Chapter 13-1600	P	P	P	
Boarding or renting of rooms to not more than two (2) persons	P	P	P	
Fences	P	P	P	x
Gardening and other horticultural uses	-	-	-	
Home-based occupations (Amd. GO 26-02)	P	P	P	x
Outdoor kennel or exercise run	-	-	-	
Private garages, carports, and parking spaces	P	P	P	
Private swimming pools, tennis courts, indoor exercise facilities, community meeting rooms, and other recreational facilities that are operated for the sole use and convenience of the residents of the principal use and their guests	P	P	C	
Solar Energy Systems	P	P	P	X
Tool houses, sheds, and similar buildings	P	P	P	
Uses Accessory to Nonresidential Uses				
Antennas, satellite dishes, and similar equipment	P	P	P	x
Carwash (automatic) when accessory to a service station in compliance with Chapter 13-1600		C	C	x
Music (outdoor live or amplified music)	C	C	C	x
Off-street loading docks	C	P	P	x
Outdoor display of vehicles		P	C	x
Outdoor commercial recreation	C	C	C	x
Outdoor sales, display, and storage	*	**	*	x
Parking (surface)	P	P	P	
Parking (structured)		C	P	x
Parking and storage of vehicles licensed to a business	P	P	P	x
Signs, as regulated by Chapter 13-2000	P	P	P	
Small Wind Energy Systems	C	C	C	X

Use	C1	C2	C3	Dev.Stds.
Solar Energy Systems	P	P	P	X
Telecommunication facilities	C	C	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within the principal building, not exceeding 40 percent of total floor area		P	P	X
Waste and recycling storage	P	P	P	X

SECTION 5. Section 13-911, Table 9-3, Green Bay Municipal Code, is amended as follows:

Table 9-3. Permitted Accessory Uses in the Industrial Districts

Use	LI	GI	BP	Dev.Stds.
Antennas, satellite dishes, and similar equipment	P	P	P	X
Carwash (automatic) when accessory to a service station in compliance with Chapter 13-1600	C	C	C	X
Music (outdoor live or amplified music)	C	C	C	
Off-street loading docks	P	P	P	
Outdoor display of vehicles	C	C	C	X
Outdoor commercial recreation	C	C	C	X
Outdoor sales, display, and storage	P	P	-	X
Parking (surface)	P	P	P	
Parking (structured)	P	P	P	
Parking and storage of vehicles licensed to a business	P	P	P	X
Signs, as regulated by Chapter 13-2000	P	P	P	
Small Wind Energy Systems	C	C	C	X
Solar Energy Systems	P	P	P	X
Telecommunication facilities	C	C	C	X
Warehousing, incidental repair, or processing necessary to conduct a permitted principal use, conducted within the principal building, not exceeding 40 percent of total floor area	P	P	P	X
Waste and recycling storage	P	P	P	X

SECTION 6. Section 13-1009, Table 10-3, Green Bay Municipal Code, is amended as follows:

Table 10-3. Permitted Accessory Uses in the Public Institutional District

	Dev. PI Stds.
Antennas, satellite dishes, and similar equipment	P
Off-street loading docks	P
Outdoor recreation facilities	P
Parking (surface)	P

Parking (structured)	P	
Signs, as regulated by Chapter 13-2000, Signs	P	
Small Wind Energy Systems	C	X
Solar Energy Systems	P	X
Storage within enclosed buildings	P	
Telecommunication facilities	P	
Waste and recycling storage	P	

SECTION 7. Section 13-1611, Development Standards – Solar Energy Systems, Green Bay Municipal Code, is created as follows:

13-1611. Development Standards – Solar Energy Systems.

(a) Height and Setback Requirements

- (1) Multiple ground-mounted and/or roof mounted solar energy systems may be permitted per parcel compliant with the standards of the zoning district they are allowed in.**

- (2) Height Limitations**

- a. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.**
- b. Ground or pole-mounted solar energy systems shall not exceed 16 feet in height when oriented at maximum tilt.**

- (3) No solar energy system, at full tilt parallel to the ground, shall encroach into a required setback and shall not cause the property's total area of ground covered to exceed the maximum impervious coverage for the district in which the system is located. Ground-mounted systems impervious coverage shall be calculated by using the total square footage of the panel face.**

- (4) Ground-mounted and or pole-mounted solar energy systems shall not be allowed in residential districts between the front of the building and the public right-of-way without a conditional-use permit.**

(b) Ground-mounted Solar Energy System

- (1) All electrical wires associated with a solar energy system, other than wires necessary to connect the system, grounding wires, etc. shall be located underground.**
- (2) A ground-mounted solar energy system must comply with the accessory structure restrictions contained in the zoning district where the solar energy system is installed.**

- (3) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.**

(c) Roof-mounted Solar Energy System

- (1) The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building roof and shall not exceed the highest point of the roof line on which the system is mounted or built. Flat roof systems are permitted and will require screening consistent with this ordinance to minimize the overall height of systems. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building roof on a side yard exposure.**
- (2) The solar system must blend into the building on which the system is mounted by being sufficiently setback from public right-of-ways or screened from view from the right-of-way, or by using a surface collector color that blends into the roof or wall color of the building as seen from the public right-of-way.**

(d) Code Compliance

- (1) A solar energy system shall comply with all applicable state and local construction, electrical and plumbing codes, where applicable.**
- (2) Solar energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."**
- (3) The design of the Solar Energy System shall conform to applicable industry standards.**
- (4) No grid-intertie photovoltaic system shall be installed until evidence has been given to the Green Bay Building Inspection Department that the owner has submitted notification to Wisconsin Public Service Corporation of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.**

(e) Site Plan Review and Building Plan and Permit Requirements

- (1) All applications for permits shall comply with the requirements of Chapter 13-1800 Site Plan Review, building plans and a building permit shall be required for the installation of a solar energy system.**
- (2) The site plan application shall include but not be limited to the following:**
 - a. Property lines and physical dimensions of the property.**
 - b. Location, dimensions, and types of existing major structures on the property.**
 - c. Location of the proposed solar energy system(s) and any overhead utility lines.**
 - d. The right-of-way of any public road that is contiguous with the property.**

- e. Solar energy system mounting plan and details of any support or structural components.
- f. A written description of solar panel tracking mechanism and a detailed layout of orientation limits.

(f) Abandonment

- (1) A solar energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a solar energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the solar energy system has not been abandoned.**
- (2) If the solar energy system is determined to be abandoned, the owner of the solar energy system shall remove the facility at the owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the solar energy system, the Administrator may pursue a legal action to have the system removed at the owner's expense.**

SECTION 8. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 9. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this 20th day of March, 2012.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Interim Clerk

First Reading - 3/6/12
Effective Date - 3/24/12